

FORECLOSURE DEED

Prepared by:
Gary S. Olshan
P O Box 3020
Birmingham, AL 35202

KNOW ALL MEN BY THESE PRESENTS,

That Whereas, September 12, 2002, David Stivarius and Malissa Adell Lee (hereinafter "Mortgagor" whether one or more) executed a certain mortgage to SouthTrust Bank NA (hereinafter "Mortgagee") which said mortgage was recorded in the Judge of Probate of Lee County, Alabama, in Mortgage Book 2900, Page 759 and lastly assigned to NC - WC LP (hereinafter "Transferee") in Mortgage Book 3308, Page 235 and:

Whereas under and by virtue of the Order of the United States District Court in the Middle District of Alabama, Eastern Division Case No. 3:06 -cv-440 WKW-SRW, the Transferee was authorized and empowered to sell the property after giving notice of time, place and terms of said sale in a newspaper published once a week for four (4) consecutive weeks prior to the sale at public outcry to the highest bidder and said Order further provided that the Transferee or its agent to execute title to the purchaser of said sale and it was further provided that Transferee may bid and purchase at said sale if the highest bidder thereof; and

Whereas, Transferee did give due and proper notice of said mortgage foreclosure sale by publication in The Opelika-Auburn News, a newspaper of general circulation published in the county wherein the subject property is located in its issues of February 14, 21 and 28 and March 7, 2007; and

Whereas, on March 21, 2007 the day the foreclosure sale was due to be held under the terms of the notice, between the legal hours of sale, said foreclosure was conducted and Transferee did offer for sale and sell at public outcry the property legally described as:

See attached legal description

Whereas, Gary S. Olshan (hereinafter "Auctioneer") was the auctioneer appointed and authorized by the Transferee to conduct the foreclosure sale and did sell to Gary Eiland Investments LLC the highest bidder (hereafter "Bidder") in amount of Forty Five Thousand Seven Hundred Fifteen and 77/100 dollars (\$45,715.77).

Now Therefore, Transferee by and through Auctioneer does hereby grant, bargain, sell and convey unto Gary Eiland Investments LLC the above legally described property.

To Have and To Hold the property unto Gary Eiland Investments LLC and Its successors and assigns forever, subject to the statutory rights of redemption from the said foreclosure sale on the part of those entitled to redeem as provided by the laws of the State of Alabama.

In Witness Whereof, Auctioneer for Transferee, has hereinto set his hand and seal on this the 21st day of March 2007

David Stivarius and Malissa Adell Lee
Mortgagor
By: NC-WC LP
Transferee

By: GSO
Gary S. Olshan, Auctioneer

State of Alabama
County of Jefferson

I, the undersigned, a notary public, in and for said County and State, do hereby certify that Gary S. Olshan, whose name as Auctioneer for Transferee, is signed to the foregoing conveyance and who is known to me acknowledged before me on this day that being informed of the contents of said conveyance he with full authority as such auctioneer executed the same voluntarily on the day the same bears date.

Given under my hand this is the 21st day of March, ²⁰⁰⁷ 2005.

Arnold E. Hardy
Notary Public in and for said county and state at large

My Commission expires: Jan. 9, 2008

Parcel 2:

That tract or parcel of real estate situate and lying and being in Section 22, Township 18 North, Range 30 East, Lee County, Alabama, more particularly described as follows:

Begin at an iron pin marking the northeast corner of the intersection of Lee Road 312 and Lee Road 860, said pin and intersection shown on a map or plat entitled Boundary Survey 100.11 Acres more or less and lots 8 and 10 Byrd Shores Subdivision prepared by Jordan, Jones and Goulding, registered professional land surveyors, the same appearing of record in the Office of the Judge of Probate of Lee County, Alabama in Plat Book 22, Page 156. Travel thence along the eastern margin of said Lee Road 312 North 22° 04' 00" East a distance of 360.10 feet to an iron pin located on the eastern margin of said Lee Road 312; Travel thence along a curve to the left, said curve having a radius of 530.00 feet and being subtended by a chord of bearing North 11° 37' 28" East for a distance of 192.12 feet and an arc length of 193.18 feet to an iron pin on the eastern margin of said Lee Road 312; Travel thence along a curve to the left, said curve having a radius of 530.00 feet and being subtended by a chord bearing North 04° 52' 33" West for a distance of 111.87 feet and an arc length of 112.08 feet to an iron pin on the eastern margin of Lee Road 312; Travel thence North 10°

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56' 03" West, a distance of 197.08 feet to an iron pin on the eastern margin of said Lee Road 312; Travel thence along a curve to the right, said curve having a radius of 370.00 feet and being subtended by a chord of bearing North 03° 43' 46" West for a distance of 92.80 feet and an arc length of 93.04 feet to an iron pin on the eastern margin of said Lee Road 312; Travel thence along a curve to the right, said curve having a radius of 370.00 feet and being subtended by a chord of bearing North 10° 40' 42" East for a distance of 92.80 feet and an arc length of 93.04 feet to an iron pin on the eastern margin of said Lee Road 312; Travel thence North 17° 52' 57" East a distance of 111.47 feet to an iron pin on the eastern margin of said Lee Road 312; Travel thence along a curve to the right, said curve having a radius of 570.00 feet and being subtended by a chord of bearing North 21° 12' 59" East for a distance of 66.30 feet and an arc length of 66.33 feet to an iron pin on the eastern margin of said Lee Road 312; Travel thence North 24° 33' 01" East, a distance of 179.25 feet to an iron pin on the eastern margin of said Lee Road 312; Travel thence North 24° 33' 01" East a distance of 53.30 feet to an iron pin on the eastern margin of said Lee Road 312; Travel thence along a curve to the left, said curve having a radius of 830.00 feet and being subtended by a chord of bearing North 21° 00' 14" East for a distance of 102.68 feet and an arc length of 102.74 feet to an iron pin on the eastern margin of said Lee Road 312 marking the TRUE POINT OF BEGINNING. From said POINT OF BEGINNING, travel thence North 17° 27' 28" East, a distance of 242.17 feet to an iron pin on the eastern margin of said Lee Road 312; Travel thence along a curve to the left, said curve having a radius of 630.00 feet and being subtended by a chord bearing North 13° 00' 07" East for a distance of 102.68 feet and an arc length of 102.74 feet to an iron pin on the eastern margin of Lee Road 312; Travel thence North 08° 32' 46" East, a distance of 45.16 feet to an iron pin on the eastern margin of said Lee Road 312; Travel thence North 69° 29' 04" East a distance of 302.86 feet to an iron pin; Travel thence South 05° 40' 09" East a distance of 534.03 feet to an iron pin; Travel thence South 05° 40' 09" East a distance of 120.27 feet to an iron pin; Travel thence North 72° 32' 32" West a distance of 478.72 feet to an iron pin marking the POINT OF BEGINNING.

Said tract or parcel containing 4.42 acres, more or less.

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